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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,209	10/14/2003	Carl D. Contadini	24044-205A	5902
7590	02/09/2005		EXAMINER	
Arthur G. Schaier Carmody & Torrance LLP 50 Leavenworth Street P.O. Box 1110 Waterbury, CT 06721-1110			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 02/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/686,209	CONTADINI, CARL D.
	Examiner	Art Unit
	Anne V. Lai	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 October 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because:
  - a. Figure 1 has no suitable descriptive legends for boxes 1-5.
  - b. Figure 2 contains numbers with correction marks.

Applicant is required to submit a proposed drawing correction in response to this office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by

**Studer et al** [us. 2004/0200129].

Regarding claim 1, **Studer et al** disclose a system for determining the effectiveness of a consumable source in a device that uses the consumable source to perform an action of the device, the system comprising:

a controller 50 for monitoring the consumable source (20, 30, 22, 31, 67, 69) in the device 10 (figs. 1 and 6);

a consumable source operatively connected to the device;

sensing means (time sensor 51) for determining when the consumable source needs replacing; and

an indicator (57, 58) operatively coupled to the sensing means that signals when the consumable source needs replacing (Fig. 6, [0028],[0033], [0034]).

Regarding claim 2, **Studer et al** disclose the consumable source is selected from the group consisting of light source 20, adhesive surface 30, and scent insect attractant 69 (fig. 6); these consumable sources are time related components since their effectiveness are reduced with respect to the length of time use.

Regarding claim 4, **Studer et al** disclose the indicator is selected from the group consisting of lights and buzzers (audible alarm; fig. 6; [0034]) .

Regarding claim 5, **Studer et al** disclose the sensing means comprises a timer [0028].

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Studer et al** in view of **Nolen et al** [US. 6,055,766].

Regarding claim 3, **Studer et al** do not rely on user perception but rely on the operation of a timer and an electrical controller to indicate that maintenance is required because the consumable source (insect attractant, insect neutralizer) is no longer effective ([0028]). It would have been obvious to one having ordinary skill in the art at the time of the invention was made, because of sizes different between a human being and an insect, the very small amount of consumable source showing effectiveness on an insect may not be discernible by a human being (such as how sticky an adhesive surface must have to effectively capture the insect), especially when the consumable source is an invisible light (ultraviolet, infrared) or an unscented gas (carbon dioxide) as taught by **Nolen et al** to attract a variety of insects (col. 1, lines 48-50; col. 7, lines 11-21).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Studer et al** in view of **Liu et al** [US. 5,325,625].

Regarding claim 6, **Studer et al** do not disclose the sensor (timer) is reset when the consumable source is replaced. **Liu et al** teach an automated interval insect trap wherein a timer is reset each time a consumable source (adhesive surface to capture insects) is replaced (abstract; fig. 4; col. 3, lines 43-51; col. 5, lines 27-53). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the automatic timer reset concept of **Liu et al** to **Studer et al** for the user convenient of automatic resetting of the timer.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Studer et al.**

Regarding claim 7, the controller (50, fig. 6) of **Studer et al** controls a plurality of electrical devices (alarms, detectors, insect attractants, etc.), and receives or transmits control signal or status signals via communications interface (59, [0035]). It would have been obvious to one having ordinary skill in the art at the time of the invention was made the controller 50 performs the function of an electronic controller which can be made small in size (microcontroller) for the convenient of the user having an apparatus of smaller size with equal effectiveness.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Leonard et al** discloses products having RFID tags to provide information to products consumer. [US. 2004/0124988] (Provisional application 60/427,934, filing date Nov. 21, 2002)

**Barber et al** disclose devices, systems and methods to control pests. [US. 2002/0101352]

**Nolan** discloses an apparatus for attracting and destroying insects. [US. 5,205,064]

**Singh** discloses an aerosol dispenser. [US. 6,039,212]

**Miheasick** discloses an apparatus and method for providing a measured flow of exterminating fluid. [US. 5,390,440]

**Borg** discloses a quality monitoring and maintenance for products employing end user serviceable components. [US. 6,687,634]

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. V. Lai  
January 31, 2005

JEFFERY HOFSSASS  
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